

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID TUTTLE,

Plaintiff,

v.

ALEX MARTINEZ,

Defendant.

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Case No. 18-30128-KAR

ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

ROBERTSON, U.S.M.J.

David Tuttle, who is confined at the Hampden County Correctional Center, has filed a civil rights complaint and a motion for leave to proceed *in forma pauperis*. Upon review of these documents, the Court hereby orders that:

1. The motion for leave to proceed *in forma pauperis* is GRANTED. No initial partial filing fee shall be assessed. The entire \$350.00 filing fee shall be collected in accordance with 28 U.S.C. § 1915(b)(2).
2. The Clerk shall send a copy of this Order to the treasurer of the institution having custody of Plaintiff.
3. The Clerk shall provide Plaintiff with the form for Consent/Refusal of Magistrate Judge Jurisdiction and the instructions for that form ("consent package").
4. The Clerk shall issue a summons as to Alex Martinez, who is the sole defendant. Plaintiff is responsible for serving the summons, complaint, consent package, and this Order on Defendant, in accordance with Rule 4 of the Federal Rules of Civil Procedure.

5. Because Plaintiff is proceeding *in forma pauperis*, he may elect to have service completed by the United States Marshals Service (“USMS”). If Plaintiff chooses to have service completed by the USMS, he shall provide the agency with all papers for service and a completed USM-285 form for each party to be served. The USMS shall complete service as directed by Plaintiff with all costs of service to be advanced by the United States. The Clerk shall provide Plaintiff with forms and instructions for service by the USMS.

6. Plaintiff shall have 90 days from the date of the issuance of the summons to complete service. Failure to complete service within 90 days may result in dismissal of the action without prior notice. *See* Fed. R. Civ. P. 4(m); Local Rule 4.1 (D. Mass.).

7. Plaintiff and Defendant shall each indicate their consent or refusal to the final assignment of this case to the magistrate judge by completing and separately filing the form entitled “Notice to Parties in Pro Se Prisoner Litigation Cases.” The form must be filed in paper form and clearly marked “DO NOT SCAN.” While consent to the final assignment of the case to the magistrate judge is entirely voluntary, each party must submit the form indicating their consent or refusal to consent within 30 days of the date Defendant is served with the summons and complaint.

SO ORDERED.

/s/Katherine A. Robertson
KATHERINE A. ROBERTSON
United States Magistrate Judge

DATED: August 15, 2018